

Notice of Allowability

Application No.

10/662,048

Examiner

William L. Miller

Applicant(s)

POURMEHDI, MOUSTAFA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 01-17-2006.
2. ☒ The allowed claim(s) is/are 1-4 and 7-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 01172006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 02092006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01-17-2006 has been entered.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Sofer on 02-09-2006.

The application has been amended as follows:

In the claims:

Claim 1, line 3, after "with" insert --a--;

Claim 1, line 4, after "gem" insert --above said thickened upper portion of said shank--;

Claim 1, line 5, after "opening" insert --extending therethrough-- and change "enclosed" to --formed--;

Claim 1, line ⁷~~6~~, after first recitation of "disk" to --having an inscription thereon--;

Claim 1, line ⁹~~8~~, change "an" to --said-- and after "thereon" insert --, said disk having approximately the same circumference as said stone or gem whereby when viewing said jewelry

item from directly above, said disk is not visible beyond the circumference of said stone or gem--
; and

Cancel claims 5, 6, and 10-16.

3. The following is an examiner's statement of reasons for allowance: Mesica et al. (US#4977757) in view of Ullman (US#1672355) represents the closest prior art of record. Mesica discloses a jewelry item comprising: a ring 12 with a shank 13; a disk opening between ears 14 and 16; and cylindrical message disks 30,32,34,36,38 having inscriptions thereon mounted within the opening, the disks being rotatable transversely to the shank. Mesica fails to disclose the opening extending through a thickened upper portion of the shank and being entirely formed by the thickened upper portion. Mesica also fails to disclose prongs holding a gem or stone above the thickened upper portion. Ullman teaches a similar jewelry item wherein the ring shank 1 includes an opening 5 which extends through a thickened upper portion 2 of the shank and is entirely formed by the thickened upper portion. Ullman also teaches prongs 3 holding a gem or stone 4 above the thickened upper portion. It would have been obvious to one of ordinary skill in the art to combine Mesica with Ullman to attain the above features to enhance ornamentation of the ring. However, Mesica in view of Ullman fails to teach the jewelry item wherein the disk has approximately the same circumference as the stone or gem whereby when viewing the jewelry item from directly above, the disk is not visible beyond the circumference of the stone or gem. It would not have been obvious to one of ordinary skill in the art to further modify Mesica in view of Ullman such that the disk had approximately the same circumference

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as the stone or gem whereby when viewing the jewelry item from directly above, the disk was not visible beyond the circumference of the stone or gem.

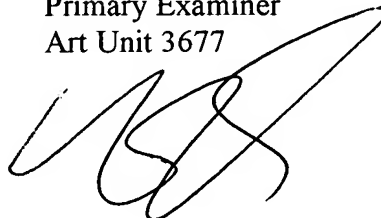
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
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A handwritten signature in black ink, appearing to be 'WLM', is written over the printed name and title of the examiner.

WLM